

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.24690 of 1999

Dated: 18-04-2007

Between:

M/s. Deepti Quartzite Mines, rep. by its General Power of Attorney
K. Prabhakar, s/o Sangaiah, r/o Sanga Reddy, Medak District.

... Petitioner

and

1. The Divisional Forest Officer, Medak District and 3 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioner, a Quartzite Mines, states that the Government of Andhra Pradesh granted mining lease for quartz, to it, over an extent of 7 Hectares in S.Nos.329, 379, 178/1 & 91 in Shankarampet, Andole, Gottimukkala Malkapur and Thimmapur villges, Shankarampet Mandal, Medak District vide G.O.Ms.No.289, Industries & Commerce (M), Department, dated 11-06-1986 for a period of 20 years from the

date of entering into agreement. The agreement was entered into on 21-10-1986 and sanction was accorded for a period of 20 years from 21-10-1986 to 20-10-2006. Since then it has been operating the quartz without any complaints on payment of royalty, dead rent and surface rent. As the demand of Rs.30,000/- was not paid by it, at the instance of Vanasamrakshana Samithi (VSS) the vehicle bearing No.AIH 4955 belongs to it, holding valid permit, was stopped by the Forest Sub-range Officer on the alleged ground that it is carrying on illegal transportation of quartz in forest area. Neither a check report is furnished nor a panchanama was conducted and the vehicle was just taken away highhandedly. As no notice was issued as regards to the vehicle in question, it made a representation to the Chief Conservator of Forest on 27-10-1999 stating that vehicle is taken away by third respondent and the same is not released. Since respondent officials are interfering with its peaceful mining operation and failed to release the vehicle, the present writ petition has been filed seeking a *mandamus* to declare the action of respondents 1 to 3 in interfering with the quarrying and transportation of mineral over an extent of 7 Hects. in Sy.Nos.329, 379, 178/1 & 91 in Shankarampet, Andole, Gottimukkala Malkapur and Thimmapur villages, Shankarampet Mandal, Medak District and not releasing the vehicle bearing No.AIH 4955, as arbitrary and illegal.

3. Petitioner also filed two miscellaneous petitions, viz., W.P.M.P.No.31067 of 1999 for a direction to the authorities not to interfere with its mining operations and W.P.M.P.No.31068 of 1999 for release of the vehicle bearing No.AIH4955. This Court on 30-11-1999 while issuing *Rule nisi*, in W.P.M.P.No.31068 of 1999 refused to release the vehicle and further directed petitioner to approach the

District Forest Officer, pursuant to the show cause notice dated 26-10-1999 and seek appropriate orders. So far as W.P.M.P.No.31067 of 1999 is concerned, this Court granted interim direction to respondents not to interfere with the mining operations of petitioner in S.Nos.329, 329, 178/1 and 91 in Shankarampet, Andole, Gottimukkala, Malkapur and Thimmapur villages, Shankarampet Mandal, Medak District, provided the petitioner is carrying on mining operations under a valid mining licence/permit for transferring the quartz from the mining area under lease to the petitioner.

4. First respondent filed a counter affidavit stating that under the guise of the said permit/licence, petitioner is encroaching into the reserve forest area and carrying on the said quarrying operations.

5. So long as the petitioner is having a valid licence/permit, his right shall not be interfered with but at the same time, if petitioner encroaches into the forest area; definitely, respondents are entitled to interfere with the said quarrying operations. Hence, this Court is of the view that the writ petition can be disposed of observing that so long as the petitioner continues his quarrying operations in the lands for which it has a valid lease or permit, respondents shall not interfere with the same.

But however, it is made clear that if petitioner encroaches into the reserve forest area or any other land for which it has no lease or permit, it is within the ambit of respondents to initiate legal proceedings.

6. Accordingly, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.18-04-2007
GLV